

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00137

MARK CANTRELL

O R D E R

Upon defendant's Motion to Continue All Pre-Trial Matters, filed by his counsel, Mark L. French, on October 22, 2010, requesting an order continuing the time for filing pre-trial motions and the pre-trial motions hearing scheduled for November 17, 2010, for a period of 30 days in order to allow more time to prepare and file pretrial motions inasmuch as the discovery in this matter is voluminous, comprising more than 100 CDs and DVDs; and the United States, by Hunter P. Smith, Jr., Assistant United States Attorney, having no objection as set forth in the motion and as related to the court's clerk; it is ORDERED that the motion be, and it hereby is, granted and the pretrial motions hearing is continued to 9:30 a.m. on December 20, 2010. It is further ORDERED that the deadline for filing pretrial motions is extended

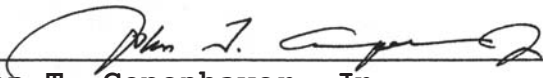
to November 29, 2010, with responses due from the government on December 13, 2010.

In view of the extension of the trial schedule as set forth above, and inasmuch as the trial in Criminal No. 2:10-00088 is scheduled for January 31, 2011, it is ORDERED that the trial in this matter scheduled for January 4, 2011, be, and it hereby is, continued to 9:30 a.m. on January 31, 2011.

Pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), the court finds the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial inasmuch as failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation for trial within the time limits established by the Speedy Trial Act, taking into account the exercise of due diligence. Accordingly, the period of delay from January 4, 2011, until January 31, 2011, is excludable in computing the time within which trial must commence pursuant to the Speedy Trial Act.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 9, 2010



John T. Copenhaver, Jr.
United States District Judge